



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

August 14, 2012

1208-SE-01

Exhibit 1

Petition Number: 1208-SE-01

Subject Site Address: 19123 Mule Barn Road

Petitioner: John and Sandra Hutzler

Request: The petitioner seeks approval of a special exception use in the AG-SF1 District related to the operation of a kennel/boarding facility for dogs located on 23 acres.

Current Zoning: AG-SF1

Current Land Use: Residential

Approximate Acreage: 23 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner Plans
4. Property Photos
5. HCSO Letter

Staff Reviewer: Andrew Murray, Associate Planner

Petition History

This petition will receive a public hearing at the August 14, 2012 Board of Zoning Appeals meeting. Petition 1208-VS09, which is next petition on the August 14, 2012 Board of Zoning Appeals meeting, is contingent upon the approval of 1208-SE-01.

Analysis

The subject property is approximately 23 acres in size and is located on Mule Barn Road, approximately 550 feet south of 193rd Street (the "Property"). The Property is zoned Agriculture – Single Family 1 District ("AG-SF1"). The Property is bounded by agriculture uses and large lot residential uses. The Property does not fall within any of the City's overlay districts.

Kennels (the "Use") are a permitted use in the AG-SF1 District by special exception. By listing the Use as a special exception under a list of permitted uses, the City of Westfield has contemplated the Use as appropriate in the AG-SF1 District in certain circumstances. Special exception uses are those uses traditionally affected with a public interest, and are usually entirely private in character but of a nature



that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities. The Westfield-Washington Township Zoning Ordinance has established a list of criteria that all special exception requests must be review against. Westfield's criteria for special exceptions can be found below in the "Procedural" section of this report.

The proposed site plan indicates that the kennel would be located south of the existing residence. Access to the property would not be modified from the existing configuration. As proposed, the kennel would be approximately 2,160 square feet and would be attached to the existing accessory structure.

Development plans for the kennel structure would be required to meet all applicable standards as identified in the Westfield-Washington Township Zoning Ordinance.

Points to Consider

The Board of Zoning Appeals may want to consider the following items as possible conditions of approval to help mitigate any concerns with the use being allowed on the Property.

- Hours of Operation
- Number of Animals
- Additional Screening/Buffering

Procedural

Upon such hearing, if the Board of Zoning Appeals finds that:

1. *The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.*

Finding: It is unlikely that the establishment, maintenance or operation of the request would be detrimental to or endanger the public health, safety, morals or general welfare of the community. All activities related to the kennel would occur in an enclosed area, thus all animals would be physically separated from neighboring properties and the general public. It is not anticipated that the Use will generate a great amount of traffic; therefore access for emergency purposes is adequate. The Property is fully fenced around its perimeters. The proposed kennels would be indoors in a climate controlled building and the animals would have access to private outdoor runs for exercise within walls tall enough to prevent escape.



2. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, no substantially diminish and impair property value within the neighborhood.

Finding: It is unlikely that the submitted proposal for the requested special exception would be injurious to the use and enjoyment of other permitted uses in the immediate vicinity. It is also unlikely that the submitted proposal for the requested special exception would substantially diminish or impair property values within the neighborhood. The surrounding properties are agriculture and large single-family residential uses. The nearest residential structure would be approximately 600 feet from the proposed kennel structure. Any feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property uses permitted in the district.

Finding: It is unlikely that the establishment of the requested special exception would impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The nearest structure, as state above, is approximately 600 feet from the proposed kennel structure. An established tree line along the south property line of the Property would provide screening from the nearest residential structures.

4. Adequate utilities, streets, drainage and other necessary facilities have been or are being provided.

Finding: This petition was discussed during the July 24, 2012 Technical Advisory Committee (TAC) meeting and no major concerns or issues were discussed in regards to utilities, streets and drainage. The Hamilton County Health Department has required the Property to upgrade their septic system to a commercial standard, which is approved through the Indiana State Department of Health. The Hamilton County Surveyor's Office is requiring a written plan or building design drawing that describes or shows how pet waste will be managed from the kennel operation (See Exhibit 5).

5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion.

Finding: The Property is approximately 800 feet long with an approximate 30 feet wide ingress/egress entrance. Access and traffic congestion was not an issue during the TAC meeting.

6. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met.



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Finding: Kennels are permitted uses in the AG-SF1 District by special exception. Development plans for the kennel structure would be required to meet all applicable standards, as established in the Westfield-Washington Township Zoning Ordinance. The petitioner has requested two variances of development standard that would need to be approved in order to comply with the applicable standards.

Recommendation

Should the Board of Zoning Appeals approve this special exception request, the following conditions would be suggested in addition to the items listed under "Point to Consider" above:

- Proper approval obtained from the Indiana State Department of Health in regards to septic system upgrade to a commercial standard.
- Proper approval obtained from the Hamilton County Surveyor's Office in regards to pet waste management.